

RECEIVED
CENTRAL FAX CENTER

JUN 12 2008

FAX TRANSMISSION**DATE:** June 12, 2008**PTO IDENTIFIER:** Application Number 10/706,701-Conf. #5722
Patent Number**Inventor:** Paul Lehmann et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** FULBRIGHT & JAWORSKI L.L.P.

Norman D. Hanson

PHONE: (212) 318-3168**Attorney Dkt. #:** NY-ROCHE 203-US (10701186)**PAGES (Including Cover Sheet):** 5**CONTENTS:** (2) Terminal Disclaimers
PTO Form 2038
Charge fees to credit card
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (212) 318-3168 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue, New York, New York 10103
Telephone: (212) 318-3000 **Facsimile:** (212) 318-3400

RECEIVED
CENTRAL FAX CENTER

JUN 12 2008

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/706,701

Attorney Docket No.: NY-ROCHE 203-US

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on June 12, 2008
Date


Signature

Fani Mallikouzakis

Typed or printed name of person signing Certificate

Registration Number, if applicable

(212) 318-3220

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

(2) Terminal Disclaimers

PTO Form 2038

Charge fees to credit card

Certificate of Transmission (1 page)

JUN 12 2008

PTO/SB/25 (01-08)

Approved for use through 05/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

NY-ROCHE 203-US

In re: Application of: Paul Lehmann et al.

Application No.: 10/706,701-Conf. #5722

Filed: November 12, 2003

For: TREATMENT OF DISTURBANCES OF IRON DISTRIBUTION

The owner, **F. Hoffmann-La Roche Inc.**, of 100

percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any

patent granted on pending reference Application Number 10/634,477 filed on August 4, 2003 as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 30,946



Signature

June 12, 2008

Date

Norman Hanson

Typed or printed name

212-318-3168

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Terminal Disclaimer

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: June 12, 2008

Signature: 

(Fani Malikouzakis)

70302748.1